

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KER'RON JONES,	:	CIVIL ACTION
	:	
PLAINTIFF,	:	
	:	
v.	:	
	:	
DONOVAN BYNUM, ET AL.,	:	NO. 14-7035
	:	
DEFENDANTS.	:	

**ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT DONOVAN BYNUM**

Defendant Corrections Officer Donovan Bynum, (hereinafter "Answering Defendant"), by and through the undersigned counsel, Rebecca Prosper, hereby files this Answer and Affirmative Defenses to Plaintiff's complaint and avers as follows:

Admitted only that Answering Defendant is an adult individual and citizen of the United States, who resides in Philadelphia County and is employed with the Philadelphia Prison System. All other averments, allegations, and statements of fact set forth in Plaintiff's complaint are **DENIED**. Answering Defendant has not violated Plaintiff's constitutional or civil rights. All of the alleged facts contained in Plaintiff's complaint are untrue, inaccurate, misleading, pertain to parties other than the Answering Defendant, and/or Answering Defendant is without sufficient knowledge or information to form a belief as to their truthfulness. Strict proof thereof, if relevant, is demanded at the trial of this matter. Plaintiff's complaint also contains conclusions of law to which the Federal Rules of Civil Procedure require no response.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Answering Defendant asserts all the defenses, immunities, and limitations of damages available under the “Political Subdivision Tort Claims Act,” and aver that Plaintiff’s remedies are limited exclusively thereto. Act of Oct. 5, 1980, No. 142, P.L. 693, 42 Pa. C.S.A. §8541 *et. seq.*

THIRD AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the applicable Statute of Limitations.

FOURTH AFFIRMATIVE DEFENSE

It is averred that at all times concerned with this litigation, the Answering Defendant acted in a manner which was proper, reasonable, lawful, and in the exercise of good faith.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff’s claims are barred, in whole or in part, by his failure to comply with the provisions of the Prison Litigation Reform Act of 1995 (“PLRA”), 42 U.S.C. § 1997e(a), including but not limited to, the provisions requiring exhaustion of all administrative remedies before commencing a federal suit and the physical injury requirement of § 1997(e).

JURY DEMAND

Answering Defendant demands a jury trial in this action on all issues so triable.

WHEREFORE, Answering Defendant denies liability to the Plaintiff and demands judgement in his favor.

Respectfully submitted,

Date: December 23, 2015

/s/ Rebecca Prosper
Rebecca Prosper, Esquire
Assistant City Solicitor
Attorney ID No. 320300
City of Philadelphia Law Department
Civil Rights Unit
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Philadelphia, PA 19102
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CERTIFICATE OF SERVICE

I hereby certify that on the date below, the foregoing Answer and Affirmative Defenses to Plaintiff's complaint has been filed on ECF and is available for viewing and downloading.

Respectfully submitted,

Date: December 23, 2015

/s/ Rebecca Prosper
Rebecca Prosper, Esquire
Assistant City Solicitor
Attorney ID No. 320300
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